

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**ORDER ON ADMINISTRATIVE PROCEDURES FOR THE IMPLEMENTATION
OF NEW CASE MANAGEMENT SYSTEM
(Revised on April 4, 2005)**

Rules 5 and 83 of the Federal Rules of Civil Procedure, and Rule 57 of the Federal Rules of Criminal Procedure authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means. This Administrative Order will set forth rules that are necessary and appropriate to implement a new electronic case management system.

In consideration of the foregoing, **IT IS HEREBY ORDERED**

Effective January 1, 2005, the United States District Court for the District of Vermont will begin a two-phase implementation of a new case management (CM) and electronic case filing (ECF) system, commonly known as CM/ECF. The initial phase will involve the conversion to a new internal case management system (CM), which allows for the immediate dissemination of orders, judgments and notices through the use of electronic mail. Once fully operational with CM, the court will begin the second phase of electronic filing, which will involve the implementation of the external portion of the software (ECF), and which allows for the filing of documents by electronic means.

Effective January 1, 2005, documents submitted for filing in new and pending cases will be scanned and electronically filed by court personnel into the CM/ECF system. After January 1, 2005, the official Court record shall consist of electronic files maintained on the Court's servers. The Clerk's Office will not maintain paper court files, except as ordered by a judge of this court. The case files in actions commenced prior to January 1, 2005 may contain a combination of paper versions of documents filed prior to January 1, 2005 and electronic files filed on or after January 1, 2005.

The Clerk's Office will discard all paper documents filed with the Clerk's Office thirty days after those documents have been successfully scanned and uploaded into CM. Therefore, the court encourages attorneys to retain originals of documents with intrinsic value.

Notice of Electronically Filed Documents

The CM system allows for the immediate dissemination of orders, judgments, and notices through the use of electronic mail. Whenever a document is filed and docketed, the court's system will generate a Notice of Electronic Filing (NEF), which will be transmitted by electronic mail to all registered attorneys who have appeared in that case. The NEF message will contain a hyperlink to an image of the filed document.

Whenever an order, judgment or other document issued by the court is filed and entered into CM, the system will automatically generate an NEF. Transmission of the NEF shall constitute service of the filed document and shall satisfy the requirements of Fed.R.Civ.P.77(d) and Fed.R.Crim.P.49(c).

A document shall be deemed filed at the time and date stated on the Notice of Electronic Filing received from the court. The NEF shall serve as the court's date-stamp and proof of filing.

The Clerk's Office must serve a paper copy of the document and a hard copy of the Notice of Electronic Filing to those attorneys or pro se litigants who have not registered or consented to service by electronic means.

Entry of Court-Issued Documents

All signed orders, decrees, and judgments will be filed electronically by the judge or court personnel. Any order signed electronically (with as signature block designated as "/s/judge's name") shall have the same force and effect as if the judge had signed a hard copy of the order and it had been entered on the docket in the traditional manner.

Judges may also issue routine, text-only orders. For text-only orders, no PDF document will be created and the text-only order shall constitute the Court's only order. Counsel registered with CM/ECF will receive a Notice of Electronic Filing (NEF). If a party is not registered to receive a NEF, the Clerk's Office will mail a hard copy of the Notice of Electronic Filing that contains the entire text-only order. Text-only orders are official and binding.

Sealed Documents

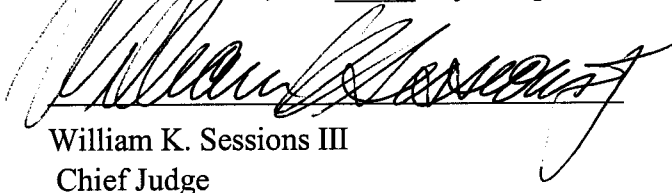
In accordance with Local Rule 83.7, all official files of the court are considered to be public documents available for inspection unless otherwise ordered. Cases, documents and court events cannot be permanently sealed without a court order.

To request that a case, document or court event be sealed, a separate Motion to Seal must be filed with the court. The motion must state the reason and show good cause for sealing the case, document or court event.

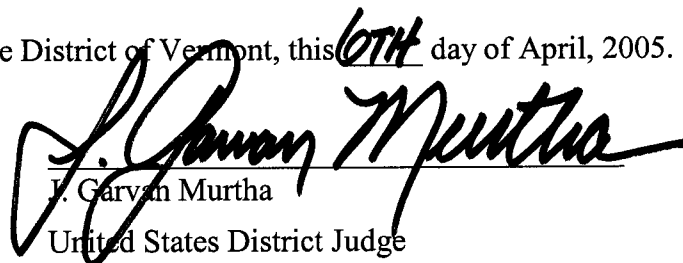
Registration for Notices of Electronic Filing

Attorneys admitted to the bar of this court, including those admitted *pro hac vice*, may register to receive NEF service, which will be transmitted by electronic mail. Registration can be accomplished by completing an Electronic Notification Registration Form. This form and instructions on its use are available on the court's website at www.vtd.uscourts.gov.

Dated at Burlington, in the District of Vermont, this 4th day of April, 2005.


William K. Sessions III
Chief Judge

Dated at Brattleboro, in the District of Vermont, this 6th day of April, 2005.


J. Garvan Murtha
United States District Judge